

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

UNILOC USA, INC. and
UNILOC SINGAPORE PRIVATE LIMITED

Plaintiffs,

VS.

Civ. A. No. 03-CV-440 (WES)

MICROSOFT CORPORATION,

Defendant.

**PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S
UNTIMELY DAMAGES THEORY**

Plaintiffs, Uniloc USA, Inc. and Uniloc Singapore Private Limited (together “Uniloc”), respectfully submit this motion to strike an untimely damages theory disclosed by defendant, Microsoft Corporation (“Microsoft”), on March 13, 2009.

ARGUMENT

On March 13, 2009, Microsoft served Uniloc with a Third Supplemental Response To Plaintiffs' Interrogatory Nos. 15 & 16. *See* Ex. A. These two interrogatories are directed to the issue of damages. *Id.* at pp. 1-3. In its March 13 response to interrogatory 16, Microsoft states as follows:

Furthermore, in 2001 the cost of moving the Clearinghouse out of the United States would have been less than \$10 million. Any hypothetical negotiation for a license to the '216 patent would have resulted in a reasonable royalty that was less than \$10 million.

This unsupported assertion, presumably intended to bolster the \$3-7 million lump-sum number of its lump-sum go-to expert, has not previously been made by Microsoft. As a result, it should be stricken.

CONCLUSION

For the reasons set forth above, Uniloc requests that this motion to strike be granted.

Dated: March 17, 2009

Respectfully submitted,

**UNILOC USA, INC.
UNILOC SINGAPORE PRIVATE LIMITED**

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants, as identified on the Notice of Electronic File ("NEF"), and paper copies will be sent to those indicated as non-registered participants.

/s/ Dean G. Bostock